

Should desistance thinking be applied to children in the criminal justice system?

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Introduction

This chapter advances debate about key theoretical and methodological issues associated with research that claims to be affiliated with ‘desistance thinking’, the ‘desistance paradigm’ or ‘desistance theory’. We question how meaningful or helpful it is to use such terms when discussing the behaviour and lives of children. Over the past century or so, the focus of the big criminological questions – predominantly focused on adults – has evolved, shifting over time from those asking why people commit crime to why people do *not* commit crime, through to how people move away from engaging in criminal behaviour or criminal lifestyles (Canton, 2016). The concept of desistance, which focuses on the latter, has emerged in recent decades to apparently challenge the Risk Factor Prevention Paradigm (RFPP) as a dominant way of understanding the journeys of adults through the criminal justice system.

This is an opportunity for pause to ask pertinent questions about the extent to which desistance *should* be adopted from the adult system and applied, without much evidence, to the youth justice system. The chapter is organised around three key questions, which we address in turn. First, what is desistance, and is it a theory? Secondly, does desistance theory sustain the weight of explanatory power that has been vested in it? Thirdly, what are the benefits for children?

The responses to these questions inform our concluding argument that, at best, it is too early to adopt desistance thinking when engaging with children who have committed an offence, or even multiple offences. Despite the transplanting of desistance thinking into youth justice policy, inspection and practice in recent years, Wigzell (2021) points out that there are good reasons to question its relevance and applicability to children. We endorse Wigzell’s analysis and seek here to extend her questioning, first considering its theoretical underpinnings.

What is desistance, and is it a theory?

Desistance is a contested term that broadly considers ‘the *process* of abstaining from crime by those with a previous pattern of offending’ (HMIP, 2022, emphasis added). Weaver and McNeill (2010, p 37) note that ‘there is no agreed theoretical or operational definition of desistance’, and thus care needs to be taken when interpreting research findings. As a process, therefore, for example, Phillips (2017) has argued for a ‘rhizomatic’, less linear, understanding of ‘the desistance journey’ than hitherto, emphasising that it may take considerable time with many wrong-turns and dead-ends. This is consistent with empirical research with young adults (Johns et al, 2017), which finds that positive relationships with adult workers, akin to youth work relationships, founded on trustworthy and consistent relationships built over time, can help young people navigate developments in their lives. Whereas desistance focuses on offending/non-offending, “a social-ecological perspective decentres the young person as the source of the offending problem, seeing them in terms of the relationships, interactions and processes that define and influence their everyday lives and experience” (2017, p 7).

Desistance is often presented as if it were a theory, with ‘desistance theory’ in common parlance across the criminal justice sector among practitioners, policy makers and academics. However, we question whether desistance theory is actually a theory. Instead, it is rather descriptive of a process that might in principle look to a range of different theories. Use of the terms ‘process’ and ‘journey’, common within the mainstream desistance literature, coupled with repeated counter-predicted events (that is, reoffending), all point towards the conclusion that desistance refers to a mechanism used for convenience purposes to rescue probation from the vicissitudes of risk.

Looking deeper, we can see that a desistance process requires both the agency of the person committing offences and appropriate social support to allow and maintain desistance (Weaver and McNeill, 2010; Bottoms and Shapland, 2011; Carlsson, 2016; Shapland, 2022). A basic premise of desistance thinking, and practice, is that an individual has developed a self-identity based on that of ‘an offender’, and that the change process involves that individual changing their identity and desisting from crime (see, for example, Maruna, 2001). This pre-condition, of an established self-identity as an offender, is what, to a considerable extent, explains why desistance theory and research has focused on adults and why so little desistance research has been conducted with children. As a theoretical standpoint, however, it does not hold water as a universal approach to promoting positive lifestyle choices – rather it would apply *only* to those who had developed, and who could convincingly be shown to have developed, an offending identity (whatever that is).

Wigzell (2021) too cautions against assumptions that all children in the youth justice system have pro-criminal identities that need to be changed, since they risk doing more harm than good: they are deficit-focused and stigmatising. Such approaches make an implicit concession to risk-based thinking and assume that a child's offending is indicative of 'pro-criminal' thinking or attitudes. There is no evidence to support this. A danger is that supervision – and wider criminal justice contact – may even destabilise children's self-identity or reinforce doubts about self-worth, particularly given evidence that adolescence is a period of malleability (Nugent and McNeill, 2017), and they may accordingly be more susceptible to the potential labelling effects of the criminal justice system (McAra and McVie, 2007; Robinson, 2016). This is particularly true when such labels are applied uncritically and unthinkingly.

There is precedent for such behaviour. The RFPP has been rightly criticised for unfairly placing the responsibility for criminal behaviour more heavily on the individual child in a way that does not match children's lived realities, particularly in those neighbourhoods with access to the fewest resources (Johns et al, 2017). Applying such an apparently 'neutral' term as 'risk' without recognising the context and manner in which it is deployed is at best naïve and at worst ensures the perverse outcome that those children with access to the fewest resources are more likely to become subject to the criminal gaze of the state (Haines and Case, 2008). However, it is not particularly clear how the 'desistance paradigm' is different, as the focus remains on the individual child and their (re)offending.

Indeed, desistance discourse tends to quickly veer back to 'risks' presented by children (Wigzell, 2021). One of the problems here is how the vulnerabilities of children have been re-cast as risks to the rest of society (Phoenix, 2013). What these mean in the lives of children can change considerably over time and across different contexts: they are dynamic – if they exist at all for the vast majority of children who come to the attention of police and youth offending teams. When the system intervenes, or fails to intervene, it can be to exacerbate children's pre-existing vulnerabilities to harm, such as in the case of 'Child C' and their move from one local authority area to another, which became the subject of a Serious Case Review following his subsequent death (Bernard and Harris, 2019; Waltham Forest, 2020; Bernard, 2020).¹ This recognises that state agencies play a considerable part in determining the extent to which an individual is deemed to be on a 'desistance pathway', relative to an 'offending pathway'.

For desistance theory to be considered a theory, it has to stand alone and have distinctive qualities. It is our position that desistance theory fails the theory test on this ground. We suggested earlier that desistance has been adopted by some criminologists and the probation service as a more humane alternative to the RFPP that infused probation practice in the 2000s. We

further suggest that desistance theory is an extension of the risk paradigm and does not represent a clear break from it. Which brings us to the question of whether it sustains the weight of explanatory power vested in it.

Does desistance thinking sustain the weight of explanatory power that has been vested in it?

In this section, we consider three good reasons to question the weight afforded to desistance-related explanations, particularly in relation to children. First, the requirement for a pre-formed ‘offender’ identity, mentioned earlier. Secondly, the way in which children are individualised and made responsible for decisions often outside their control, assuming adult-like agency; and thirdly, the possibility for desistance owes at least as much to decisions and processes within the agencies of the (youth) justice system as it does to decisions made by individual children.

The requirement of a pre-formed offender identity

Desistance-related research has typically not focused on children. In fact, for quite some time, research only considered children to the extent to which becoming a parent constituted part of the ‘desistance journey’ (Giordano et al, 2002; Blokland and Nieuwbeerta, 2005; Houchin, 2005; Kreager et al, 2010; Healy, 2012; Monsbakken et al, 2013; Craig, 2015; Robison and Hughes-Miller, 2016; Abell, 2018). Wigzell (2021) identifies three types of desistance-related research. First, research focusing on desistance at the individual level (maturational theories focusing on the process of ageing, and rational choice theories); second, research on the ‘structural’ level, correlated with life-course events such as changes in family roles, relationships and employment; and, third, and more recently, research which emphasises the importance of a *dynamic interaction* between an individual’s social context and their beliefs, values and attitudes in relation to offending (King, 2014). Types of desistance have been identified at the primary (individuals ceasing offending), secondary (adopting a non-offending identity) (Maruna, 2012) and tertiary levels (others recognising the non-offending identity [McNeill, 2015]).

Primary-level desistance would then involve an individual child making a conscious decision to ‘give-up’ offending. As noted earlier, however, it is unclear whether they have, or are likely to have, an imagination of themselves as ‘an offender’ in the way pre-supposed. In fact, prior research on this issue tends to suggest that children and young people do not tend to define themselves as ‘offenders’ in this way (Matza, 1964). Even children found to be committing high numbers of offences are not committing them constantly but drift in and out of periods of offending depending on their

social ecological contexts (Matza, 1964; Johns et al, 2017). Making an early step on the desistance journey the shedding of an identity that may not exist is, at the very least, problematic. This is before one questions the extent to which some children understand their behaviour to be unlawful, let alone appreciating its legal consequences.

Individualisation and responsabilisation: children are not mini-adults

Desistance research and its interpretation in both policy and practice remain individualistic in focus – often disconnected from specific analyses of the cultural and structural contexts in which forms of offending and desistance take place (Weaver, 2019). There is a problem in using research with adults to guide criminal justice theory, policy and practice with children. As Johns et al's (2017) research with young adults in a Welsh town reflecting back on the exploits of their mid-teens highlights, there are typically a number of socio-economic and cultural constraints that limit the life choices and modes of expression available to children convicted of high numbers of offences.

In emphasising the role of agency and individual choices, there is a risk that desistance thinking makes children responsible for decisions influenced by factors well beyond their control. They are thus unfairly made responsible for changing their own lives without access to the means or support to realistically do this (Phoenix and Kelly, 2013). Significant interest has been paid to 'turning points' in desistance-related literature, building on Sampson and Laub's (2003) description of marriage, employment and entering military service as developments that could provide the impetus for desistance, also recognising that such changes do not affect everyone the same way. Relatedly, Rocque and Posick (2021) report that perhaps the most consistent research finding is that for adults who have been engaged in criminal acts, a strong marriage or access to gainful employment can facilitate desistance, options that are far less available to children. Therefore, given that desistance research has focused to a large extent on adults, many of the findings will not be applicable to children unless they continue to offend into adulthood. Options available to adults that have been shown to be associated with reduced offending, such as getting a job or accessing benefits, are not open to children.

In recognising children's constrained agency, Haines and Case (2015, pp 76–9) argue that the responsibility rests with adults and the organisations they represent, not children. If children are not given the full social responsibilities of adulthood, it is wrong to invoke this responsibility when and if they come into conflict with the law and the youth justice system (2015, p 76). We note here the current disconnect between the minimum age of criminal responsibility (ten years in England and Wales) and the arrival of other civic

entitlements and responsibilities, which typically emerge between the ages of 16 and 18 years (Bateman, 2012a).

The work of Johns et al (2017) found that the multiple structural obstacles faced by children in the youth justice system also present challenges for its practitioners. It suggests that the primary responsibility for ‘supporting desistance’ should be shared between wider society and agencies of the state. More fundamentally, these actors, who have the resources and hold decision-making power, should be held responsible for ensuring that every child has access to ‘somewhere to go, something to do and someone to talk to’, previously recognised as a fundamentally important governmental aspiration for children and young people (DFES, 2005). The ‘Child First’ paradigm in theory and practice is based on the premise that children are not simply mini-adults: childhood constitutes a distinct phase in human development and, consequently, children should be understood and treated differently from adults.

Desistance is at least as much determined by the behaviour of decision-makers within the youth justice system as the individual

Often overlooked is that individuals being recognised as being on ‘a desistance journey’ is contingent upon action, or inaction, by the agencies comprising the youth justice system. For example, in the decade between March 2008 and March 2018, the number of proven offences recorded for children decreased by a remarkable 72 per cent from 277,986 to 77,349 (Bateman, 2020a). While there is good evidence to suggest that levels of criminal offending have generally decreased across all offence types (but particularly less serious offences) in England and Wales over the first two decades of the 21st century (Bateman, 2020a), these figures are more considerably a product of changing system responses, not children’s behaviour. Therefore, a child aged 16 in 2008 was more likely to be arrested and processed as part of the criminal justice system than a child of the same age 12 or so years later. The former was much more likely to be (re)arrested and much less likely to be able to evince a desistance narrative.

Likewise, the use of stop and search by police in England and Wales under the Police and Criminal Evidence Act 1984, and associated legislation, has fluctuated considerably over the previous 20 years (Home Office, 2022). So, desistance describes the process of moving away from crime or a criminal identity. Importantly, it may also describe moving away from the criminal justice system; this is much more difficult during periods of increased police enforcement activity. If police numbers increase, street policing activity intensifies or forms of public surveillance increase, it is likely that children would experience the consequences more acutely. A central government target, introduced in 2002, for the police to bring more detected offences

through the criminal justice system resulted in a far higher increase in children entering the justice system for the first time between 2003 and 2007 (22 per cent), relative to adults (1 per cent) (Bateman, 2020b).

Distancing oneself from crime, and from the criminal justice system, may superficially appear to be the same thing, but they are not, and this pragmatic point has implications for one's likelihood for being recognised as 'rehabilitated' or a 'desister'. Indeed, we need only be aware of the consequences of court closures and backlogs in recent years (Harris and Goodfellow, 2021) to consider how unfinished court decisions and processes impact on children involved in them. A two- or three-year delay to proceedings has a disproportionate impact on the life of a child compared with a more mature adult with many more years' experience behind them. Since involvement with the criminal justice system is contingent on wider societal factors but impacts considerably on how children are perceived and how they see themselves, this poses a problem for desistance-oriented perspectives.

Desistance and 'rehabilitation'

The points in the preceding paragraph are pragmatic, but they also have implications for theoretical and policy-oriented discussions. For with desistance there is little agreement about when it has been achieved (Shapland, 2022), if at all. It thus remains a somewhat subjective decision as to when it might have occurred and whom the desistance narrative is available to. In such ambiguous terrain, the power to decide on such matters does not sit with a child but rests on the judgement of adult professionals. Desistance is thus an *indeterminate* project, with little shared understanding about when it has taken place. Research may inform such decisions but is quite some way from resolving this fundamental issue. For example, studies of recidivism typically use a one-year follow-up period of reconviction. Others have suggested much longer periods, decades, before desistance can be considered to have been achieved (see Shapland, 2022). There is a further issue here: recent research has brought attention to the harms associated with indeterminate custodial sentences (Straub and Annison, 2020). Here, we have a situation that we might understand as something of its community-based equivalent: the indeterminate community sentence.

The indeterminacy of desistance and the uncertainty around whether it can be seen to have been attained or achieved is one of its associated 'pains' (Nugent and Schinkel, 2016). There is an inherent assumption here too that a child shares similar understandings with adults in relation to certain behaviours, the extent to which they are criminal(ised) and the (legal) consequences of engaging in such behaviour. There has been convincing questioning of such an assumption, both as a matter of principle (Bateman,

2012a) and practice, for example in relation to ‘joint enterprise’ legislation (Just for Kids Law, 2015, 2016). One of the fundamental principles of joint enterprise is that an individual foresaw that an associate of theirs was likely to commit an offence (Crewe et al, 2015). In 2015, Just for Kids Law intervened in the Supreme Court case *R v Jogee*, successfully arguing that children and adolescents do not have the same ability to predict events or understand the consequences of theirs and other people’s actions in the way that an adult would. Research by Hulley and Young (2022) highlights the role of the law, and its agents, in generating silence among young suspects, whose primary concern is the legal risks of talking. These young people face a precarious trap, as their silence is interpreted as guilt by the police, propelling them towards charge. They conclude that to avoid over-charging and to encourage young people with knowledge of serious violence to talk, structural systemic change is needed.

Reconviction is a commonly used, yet blunt, indicator of what some might call ‘failed desistance’ or desistance that has yet to begin. In this space, desistance risks becoming confounded with the language of rehabilitation. It thus potentially becomes a new proxy indicator for rehabilitation, or the lack of rehabilitation. In the absence of alternative markers and milestones, it becomes the dominant indicator of a child’s progress in relation to the criminal justice system. In such a process, observations and knowledge about desistance can become twisted to become *compulsory* elements of the performance of rehabilitation. Indeed, the way the criminal justice system discusses desistance is rather different from the more nuanced academic accounts. Desistance is now something to be performed on the pathway to ‘rehabilitation’. Being seen to be ‘rehabilitated’ is more accessible to some people than others, particularly Black men serving long sentences (Warr, 2022), some of which will have begun in childhood.

Associating cessation, or reduction, of offending with rehabilitation (whatever that means) assumes too much, for our understandings of offending behaviour are changing as society evolves, together with how we understand the harms associated with certain crimes. The nature of expanding drugs markets and associated ‘county lines’ operations is changing what it means to be understood as a victim or offender, particularly as a child (Stone, 2018). Emerging understandings of the complexity and impact of child criminal exploitation in contemporary society (Robinson et al, 2019) also impact on how the limits of children’s agency are understood and appreciated.

To some extent, a desistance theorist might seek to swerve criticisms by pointing out how some methodologies (such as narrative) focus on the whole person and listen to their stories as a way of mitigating the role of ‘risk thinking’ associated with RFPP (see, for example, Graebisch and Maruna, 2022). However, there is a lack of clarity about whether such research is focusing on how people move away from *criminal behaviour* – playing into

the normative assumptions of ‘administrative criminologists’ – or how they move away from the criminal justice *system*. And how these transitions are substantially similar or different. This seems to be at the heart of a criticism by German critical criminologists that find their work incompatible with desistance research (Peters, 20228). McNeill (2017), in responding to critiques of desistance as too individualistic, acknowledges that desistance thinking, especially as understood and practised by criminal justice agencies in the UK, is guilty of making ‘the offence’ the main issue, when the consequences of social inequalities, abuse and trauma are the matters that really need greater collective focus. Criminologists, he argues, should be contributing to imagining the “architecture of a just social order” (2017). Indeed, this is particularly necessary when considering the treatment of children in our society. We also agree that there is merit in focusing greater attention on how some of the country’s largest and most powerful organisations might cease criminal, or at least harmful, behaviour. But this is not the focus of desistance research to date. Desistance research has focused on how individual adults move away from criminal behaviour, and we argue there is little merit in repeating the exercise for children: it is largely meaningless and inevitably focuses on the worst things they have done, encouraging further contact with a criminogenic system (McAra and McVie, 2010). Governmental interpretations of desistance have adopted crude quantitative shortcuts which further ensure a focus on recorded criminal offences in an apparent, and paradoxical, effort to ‘reduce reoffending’.

Desistance and reducing reoffending

As noted, the approach to desistance as adopted by government continues to privilege and prioritise ‘reducing reoffending’ and recorded offence data associated with it. Short-term reconviction rates are the measure of success (Bateman and Wigzell, 2020). This runs counter to ‘Child First’ theory and practice: it is also emblematic of a Ministry of Justice approach fixated with offending and has little to offer society, the individual or, indeed, the probation service as a set of ambitions worthy of motivation. The absence of something does not automatically mean it has been replaced by something positive, and there is little interest in understanding this.

Re-offending data are privileged by government administrators because they are relatively simple to collect and measure. By contrast, children’s lives, and the support needed to help them make the best of them, are more complex and time-consuming. Information and data on the harm done to others may be legitimate but is selective in understanding underlying causes (it’s essentially uninterested in causes). Instead, we need to understand what is important in children’s lives, not simply the easiest thing to measure. As Warner has argued in relation to adult education, a key guiding principle

is to “make that which is important measurable, rather than that which is measurable important” (Warner, 2018, p 34). The reverse has happened during decades of managerialist influences (Feeley and Simon, 1992). In considering teaching practice in an age of accountability, Mockler and Stacey (2021) have argued for ‘intelligent accountability’ over ‘performative accountability’, and there may be something transferable here in relation to agents of youth justice.

Privileging offending data skews the assessment of children’s circumstances. These assessments are retrospective, looking backwards, but not necessarily at the causes or the things that really matter. Youth justice assessments frame the intensity, depth and frequency of intervention. And yet children’s lives are not static; they are dynamic. This can be contrasted with the information privileged by an ‘ecological youth justice’ approach, or a ‘contextual safeguarding approach’ (Firmin et al, 2019; Firmin, 2020) which seeks to understand the context for a child and how they experience the different layers of the social world around them. Qualitative accounts depict a more complex picture of relationships and social connections, particularly for young adults (Johns et al, 2017). Even if some children stop, or decrease, offending as they age, this does not mean it can be explained by desistance theory, as implied by proponents. Indeed, this becomes a circular argument. Here, because ‘desistance’ is a description of the process, there is an absence of evidence as to its effect. It provokes a question about the impacts on practice with children, and what’s in it for them anyway?

What are the benefits for children?

In this section, we develop our discussion thus far and consider the implications of applying ‘desistance’-related thinking with practitioners who work with children. Most importantly, we ask what the benefits for children are. What does it mean to work in a desistance-oriented way? Do agencies, such as HM Inspectorate of Probation (HMIP), for example (a proponent of desistance thinking), take a Child First, or child-friendly approach? Are desistance narratives available equally to all?

What does it mean to work in a desistance-oriented manner?

The prior discussion provokes the question of what it means for practitioners to work in a desistance-oriented manner. As Maruna and Mann (2019, p 4) have observed, desistance has become ‘a near ubiquitous buzzword’ in criminal justice policy and practice. Organisations refer to their work as being ‘desistance-focused’, and inspectorates proclaim support for desistance in practice. And yet, how would we really know if practice is ‘desistance informed’, and what would this mean?

The distance between the lives of salaried professionals and the lives of vulnerable children with little control over their lives creates questions about the implications for youth justice supervisory practices (Bernard, 2020). The ‘cultural blindness’ of supervisory practice to some extent echoes that of research practices. For example, only very recently has the significance of “trap life” for children and young adults, discussed subsequently, been recognised in academic literature (Reid, 2023). How well is this understood in policy-making circles and among those working in supervisory roles? This is difficult to answer, but the available evidence strongly suggests that this is, at least, a work in progress (Bernard, 2020).

A role for inspection?

HMIP have championed the application of desistance thinking to desistance practice (HMIP, 2016), although they have not hitherto taken a Child First approach to their work. While there have been more references to desistance in recent inspection reports, ‘risk’ remains the watchword, outnumbering ‘desistance’ by an average of two to one (Wigzell, 2021, p 13). However, desistance often appears to be used as a synonym for ‘reducing offending’ (a typical phrase being ‘the implementation and delivery of services to support desistance were done well’). Notably this was a criticism HMIP made of practitioners in its thematic inspection (2016, p 37). What youth offending teams (YOTs) are actually doing to support desistance is anyone’s guess; we are just supposed to trust they are doing it. Moreover, there continue to be relatively few references to desistance-inspired approaches. For example, both ‘relationships’ with young people and ‘strengths’ are mentioned an average of just six times in recent inspection reports. As Hampson (2018, p 30) asks: ‘[H]ow can they pursue a desistance-based agenda if the criteria upon which they will be judged by the inspectorate is still (for general inspections) firmly risk-focused?’ This is a good question. Furthermore, we ask what this means, and why should they focus on a desistance-based agenda if it merely replaces ‘reducing re-offending’, and the risk-laden assumptions that accompany it.

Day’s (2022) research considers how youth justice practitioners navigate risk in a Child First world. She notes that there is indeed an absence of information and evidence about implementation in practice, despite official bodies such as HMIP stating that it is ‘happening’. Day notes that, like us, these should be primarily considered to be children, not offenders. Rather, there is frequently evidence they have been victims of poverty, abuse and trauma in early life. Desistance thinking asks how children move away from criminal behaviour and seems less concerned with considering how they move away from the criminal justice *system*. This is particularly relevant for the children caught up in the Metropolitan Police’s ‘gangs matrix’, for example (Amnesty International, 2018).

Indeed, as Day notes, the principles for desistance focused practice (McNeill et al, 2012) are a long way from the practical reality. What does it mean for children to be engaged in relationships that matter, that build their social capital and support them to form ‘healthy’ identities? As recent research has shown, context makes a considerable difference to how children make sense of their environment, the options available to them and the extent to which others perceive they are moving away, or desisting from, crime. In relation to child sexual exploitation, Brown argues that in order to respond effectively we need to move beyond discussion of ‘risk factors’ and denial of agency towards an understanding of ‘intersectional inequalities, social marginality, “critical moments” and how these shape the investments and actions of vulnerable young people’ (2019, p 622). The idea of desistance is notable for its absence. This also connects with a question about what it would take for a child to be able to achieve ‘tertiary desistance’, to effectively ‘perform’ a desistance narrative to the satisfaction of adult supervisors making decisions about such things. Is such a status available to children? Is it available to all children equally regardless of background?

Are desistance narratives equally available to all children?

Despite continued awareness of discrimination and disproportionality in the criminal justice system, there are significant knowledge gaps, most notably on young Black men’s experiences with court processes and associated with prison and probation services processes and practices (Robertson and Wainwright, 2020). As Brown (2019) notes, limited typographies of abuse and victimhood have also created service blindness to children who do not ‘fit’ our expectations of victimhood because of their gender, race, (dis)ability or social class. Indeed, there is evidence that Black young people are over-identified as perpetrators of harm and under-represented as victims (Berelowitz et al, 2013), and others have spoken to the ‘adulthoodification’ (Davis and Marsh, 2020) of Black children that accelerates such disproportional treatment. This is not a new phenomenon, nor is it confined to the criminal justice system. For example, exclusion from mainstream schooling has been recognised as a problem disproportionately affecting African Caribbean boys (Joseph Rowntree Foundation, 2005).

However, there has been a ‘strategic silence’ on the issue of race, ‘gangs’ and the treatment of Black boys and men by the criminal justice system and partner agencies, where data are not recorded or analysed, and racial disproportionality is minimised and left unquestioned (Williams and Clarke, 2016). A greater consideration of how routine policies and practices in multi-agency systems, and the national context they operate within, might create this over-representation is thus long overdue. McAra and McVie’s (2010) research on youth transitions and the criminogenic nature of (criminal

justice) systems suggests the criminalisation of children leads to further harm. Relying on concepts such as ‘desistance’ distracts from the real issues that matter for children and the people that work closely with them. It contributes to the skewing of questions, such that they become focused on ‘what is it about Black boys that means they are over-represented in multi-agency “county lines” cohorts?’ rather than ‘what is it about multi-agency “county lines” processes that result in a disproportionate representation of young Black people?’ (Wroe, 2021, p 48). Pertinent here is what it means for children caught in the ‘trap life’ of the drug economy and the associated struggles of growing up poor, with family trauma and limited educational and employment opportunities. Wider than the ‘gang’ concept, Reid (2023) explains that the trap contextualises criminal motivation within material struggle and emotional pain. Overlooked by mainstream criminology until very recently, life for these children can be consumed by daily struggles experienced away from the traditions, certainties and safety fostered by legitimate activities and institutions. Reid argues convincingly that trap life is experienced as a psycho-social crisis, usually experienced during adolescence. Importantly, the consequences of trap life for children have not yet been considered in relation to the process of desistance. Indeed, further understanding of urban engagement in violence and criminality that accounts for social structures and individual psyche is needed before this would be possible or helpful.

Reid’s ethnographic research on a London housing estate generated a typology of three different ‘trapper’ types (the Glutton, the Predatory and the Humble). Space does not permit a detailed consideration here, but we note that the first two trapper identities in particular are formed partly in childhood. Criminal behaviour of glutton trappers was heavily informed by “harrowing feelings of contempt at the poverty and abuse they experienced in their formative years and these memories of impoverishment and powerlessness weighed heavily” (Reid, 2023, p 174). Later, as men, they were prone to take their stress out by way of acting out their core wounds, for example feeling unwanted, weak and helpless. Reid notes that the process of becoming a glutton trapper is not pre-determined and is thus a complex one, influenced and/or moulded also by a wider sociocultural environment which equates self-worth with one’s ability to demonstrate publicly and, at least within the peer group, that you can defend yourself and meet the expectations of ‘road masculinity’.

Predatory trappers in the research tended to ‘exhibit unaddressed toxic shame acquired in and/or left over from childhood’ (Reid, 2023, p 177). They were significantly more likely than other trappers to recall incidents from their childhoods that provoked feelings of shame (for example, having to beg for food, being embarrassed by a parent’s criminal lifestyle, being teased about their appearance and thus being assigned the label of ‘tramp’),

which became imprinted in their memories, strongly influencing their lives as adults, and especially their commitment to trap life. Motivations for predatory trappers to attack and rob ‘lower-status’, humble, trappers seemed ‘expressive of their emotional fragility and their childhood shame colliding with their current anxieties’ (Reid, 2023, p 177). Their emotional and volatile behaviour left them ill-equipped to participate effectively in a socio-economic life that demands the performance of social niceties. With the number of children estimated to live in poverty increasing to almost 4 million (Joseph Rowntree Foundation, 2023), the unwanted effects of it are likely to continue for such children, and wider society, for some time to come. It is not clear how a pre-occupation with ‘desisting’ from a fickle criminal justice system is particularly helpful here. Periods of more heavily resourced criminal justice infrastructure will simply see more of these children criminalised. Individual trajectories are complex and do not fit with binary measures of criminal behaviour.

Conclusion

On one level, it is not difficult to see the attraction of desistance-oriented thinking. Except that directing policy and practice in this way, without appreciating the complexities of some children’s lives, is partial, misleading and unhelpful. Research with children on desistance is thin, and there is little justification for focusing on this term as things stand.

This chapter has considered three interrelated questions associated with desistance. In relation to the first, *What is desistance, and is it a theory?*, we argue that desistance theory is not a theory but rather a mechanism used for convenience purposes to rescue probation from the vicissitudes of risk. The basic premise of desistance theory, and practice, is that an individual has developed a self-identity based on that of ‘an offender’, and that the change process involves that individual changing their identity and thus desisting from crime. This pre-condition, of an established self-identity as an offender, is what, to a considerable extent, explains why desistance theory and research has been focused on adults and why so little desistance research has been conducted with children. As a theoretical standpoint, however, it does not hold water as a universal approach to promoting positive lifestyle choices – rather it would apply only to those who had developed and who could convincingly be shown to have developed an offending identity (whatever that is).

In response to the second question, about whether desistance thinking sustains the weight of explanatory power that has been vested in it, we consider three good reasons to question the weight afforded to desistance-related explanations, particularly in relation to children. First, the requirement for a pre-formed ‘offender’ identity, mentioned earlier. Secondly, the way in which children are individualised and made responsible for decisions often

outside their control, assuming adult-like agency; and thirdly, the possibility for desistance owes at least as much to decisions and processes within the agencies of the (youth) justice system as it does to decisions made by individual children. The size and scope of this system can vary considerably over time, and with it, children's chances of desistance, or being seen to desist, fluctuate too.

Furthermore, there is a lack of agreement and clarity about what desistance is and when it may be achieved. The focus has tended to be on what it is *not* and the supposed presence of risk factors. But it is closer to this way of thinking than has hitherto been recognised. The practice of risk-based thinking continues, even if the language does not. It seems to us that desistance has served to provide an extension to the RFPP, rather than an alternative to it. While there are some differences between desistance thinking and the RFPP, we see the former as having been subsumed into the latter. There are indications that the use of 'desistance' in policy and practice is already shifting away from understandings being tentatively progressed by academic researchers. (For example, is desistance becoming a compulsory performative element of an individual's demonstrable – lack of – 'rehabilitation', rather than the more nuanced process being empirically observed by researchers?) Ultimately, 'desistance thinking' is being subsumed into policy and practice already profoundly shaped by risk narratives.

There has been very little research to date on desistance in relation to children, and no convincing evidence that supports the idea of adopting it now. If there is uncertainty about if and when adults have achieved desistance, then this uncertainty multiplies in relation to the shorter timescales of child lives. It is worth considering what child-focused desistance research would look like in practice, particularly as there is no agreement on what desistance actually is, or when it has been achieved.

In considering the third question, about the benefits of adopting desistance thinking in relation to children, we question whether there are any. Beyond limited measures of reoffending over the course of one year, children cannot effectively be seen to have desisted: they are unlikely to be able to perform desistance in any way that is meaningful. Tertiary desistance relies on the perspectives of others. From what we know from recent relevant research, it seems that some children, particularly those from Black and ethnically minoritised backgrounds, are less likely to be recognised as being on a desistance pathway, which contributes to potential future ethnic disproportionality in the criminal justice system. This can be because their contexts growing up have not been typically well understood or recognised, or because of systemic processes that mitigate against such understanding. We recognise that some of the practices associated with desistance thinking may overlap with those implied by a Child First philosophy. However, the latter offers a more appropriate philosophical base for adopting these practices.

Relatedly, recognising the principles and practice associated with informal learning, or youth work, is more likely to offer a more positive conceptual and linguistic framework.

This chapter has considered theoretical, methodological, policy-oriented and practical issues associated with desistance thinking. We consider that the alignment of childhood law-breaking to the framework of ‘desistance’ risks stifling advancements in our understanding of children’s development in all its richness and complexity. A more appropriate approach may well be a more oblique one (Canton, 2013) that seeks to understand the relevance of interconnected experiences associated with poverty, mattering and belonging (Billingham and Irwin-Rogers, 2021) in a late capitalist society saturated with inequality and associated images of that inequality that permeate social media. We need a trained and trustworthy workforce tasked with understanding and connecting with children and young people (Brierley, 2021), with a focus on children first and foremost, and universal positive outcomes.

Note

- ¹ Child C was 14 years old and had been living in Waltham Forest for nine months before his murder in January 2019. He was deliberately knocked off a moped and then stabbed repeatedly. He had previously lived in Nottinghamshire and had started being home educated, but this arrangement broke down. He then had a lot of time unsupervised and was getting into trouble in the community. His mother moved him to Waltham Forest because she was concerned he was falling under bad influences. Before Child C’s murder, there were issues of criminal exploitation, weapon-related incidents and exclusion from school.

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